

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**JUSTIN D BENNETT**  
Claimant

**APPEAL NO: 13A-UI-11072-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/06/13**

**Claimant: Appellant (1)**

871 IAC 24.40 – Training Extension Benefits

**STATEMENT OF THE CASE:**

Justin D. Bennett (claimant) appealed a representative's September 20, 2013 decision (reference 03) that concluded he was not eligible for training extension benefits. After a hearing notice was mailed to the claimant, a telephone hearing was held on October 23, 2013. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant eligible for training extended benefits (TEB)?

**FINDINGS OF FACT:**

The claimant established an unemployment insurance claim year effective January 6, 2013, after a separation from National Bedding Acquisition Company. He had worked full time as a line load worker for that employer for just over a month, from about August 1, 2012 through about September 6, 2012; that employer discharged him from his position. Prior to that employment he had worked part time (less than 32 hours per week) doing telemarketing for FHB, Inc. for about two months, ending on or about July 4, 2012. He received regular unemployment benefits through April 6, 2013; he began receiving emergency unemployment compensation (EUC) as of April 7, 2013, and exhausted his eligibility under that program June 15, 2013. The claimant made his application for TEB on August 9, 2013.

The claimant had started taking classes at North Iowa Area Community College to become an accountant on January 14, 2013. Accountants are identified as being a high-demand occupation.<sup>1</sup> He had been granted Department Approved Training (DAT) status effective January 13, 2013.

The claimant did have some additional part-time employment as a meat clerk after his separation from National Bedding, but that employment was not within the claimant's base period.

<sup>1</sup> [http://www.iowaworkforce.org/trainingextensionbenefits/State\\_RegionalOccupations.xls](http://www.iowaworkforce.org/trainingextensionbenefits/State_RegionalOccupations.xls).

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.3-5-b(1) provides training extension benefits for claimants who are in department approved training under specified circumstances. Before a claimant qualifies for training extension benefits the claimant must: 1) be able to meet the minimum requirements for unemployment benefits; 2) establish that his separation was from full-time work in a declining occupation or that he was involuntarily separated from full-time work due to a permanent reduction of operations; 3) show that he is in a job training program that has been approved by the Department; 4) establish that he has exhausted all regular and emergency unemployment benefits; 5) show that he was in the training program at the time regular benefits were exhausted; 6) demonstrate that the training falls under one of the following three categories: a) it must be for a high demand or high technology occupation as defined by the Agency; b) it must be for a high-tech occupation or training approved under the Workforce Investment Act (WIA); c) it must be an approved program for a GED; and 7) show that he is enrolled and making satisfactory progress towards completing the training. Iowa Code § 96.3(5)b(5).

The administrative law judge finds that the context of the statutory references to the separation from employment is to the claimant's primary base period employer, particularly where the separation from the employer immediately preceded the establishment of the claim year. While it is clear that the claimant's intended area of study to be an accountant is for a "high-demand occupation," it is less clear that his separation from employment as a line load worker was a separation from a "declining occupation"; that job classification does not appear on the Agency list of "low demand occupations."<sup>2</sup> The matter is further complicated by the fact that the majority of the claimant's base period wages are from part-time employment, not full-time employment.

The claimant separation prior to establishing the current claim year was not from a declining occupation, and was not from primarily full-time employment. While the claimant satisfies the other criteria, he does not satisfy criteria (2), and all criteria must be met. Training extension benefits are denied.

**DECISION:**

The unemployment insurance decision dated September 20, 2013 (reference 03) is affirmed. The claimant is ineligible for training extension benefits in the current claim year.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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<sup>2</sup> *Id.*